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Defense Proposed Jury Instruction
June 28, 2011

Definition for "Consideration for the Receipt, or in Expectation of the Receipt, of
Anything of Pecuniary Value"

In order to find this aggravating circumstance, you must find that the State has proven beyond a reasonable doubt that the defendant's motive, cause or impetus for the commission of negligent homicide was consideration for the receipt, or the expectation of receipt of pecuniary value. This finding may be based on tangible evidence and/or strong circumstantial evidence. "Pecuniary value" may be money or property.

The existence of a pecuniary motive at some point during the events surrounding the negligent homicide is not enough to establish this aggravating circumstance. This means that merely receiving financial payments before, during or after the negligent homicide is not enough to establish this aggravating circumstance. Similarly, the general profit motive associated with a business or corporation is not sufficient. Instead, there must be a connection between the motive and the killing. The mere fact that the person was killed, and the defendant made a financial gain, does not by itself establish this aggravating circumstance.

Source: RAJI (Criminal) CCSI 1.6(c) (3rd ed.); *State v. Sansing*, 200 Ariz. 347, 353, 356, (2001).